

# Town of Frederick Board of Trustees



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AM 2008-030

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## TO CONSIDER AN APPEALS PROCESS TO GUIDE THE IMPLEMENTATION OF THE MONTHLY UTILITY FEES FOR THE TOWN'S STORM WATER UTILITY


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**Agenda Date:** Town Board Meeting – March 24, 2009

**Attachments:**

- a. Proposed Appeal Process and Billing Guidelines for the Storm Water Utility Fees
- b. Resolution #09R008 including Exhibit A

**Fiscal Note:** The appeals process will not change the budget projections for the Storm Water Utility.

  
Finance Director

**Submitted by:** Richard Leffler, P.E.   
Town Engineer

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

**Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

**Summary Statement:**

The Appeals Process and Billing Guidelines are intended to clarify the calculation of the monthly user fees that will be charged for the Storm Water Utility Fees per Resolution 09R008 as adopted at the February 24, 2009 meeting.

**Detail of Issue/Request:**

Along with approving the resolution establishing Storm Water Utility Fees, the Board directed staff to prepare an appeal process to use in considering complaints or questions about the fees that might be received from property owners. The attached Appeals Process and Billing Guidelines provide certain criteria to help staff implement the adopted monthly Storm Water Utility Fees. This provides a method to calculate the fees in a way that can consider unique

circumstances for specific properties while following the general intent of fairly charging all customers for Storm Water services. It also clarifies the categories under which certain types of land uses should be charged. For example, churches and schools may be allowed in residential, commercial or industrial zones, as well as public zones, but the intent is that all churches and schools would be billed at the per acre rate for Public land.

Staff will place all property in the most appropriate category and calculate the initial Storm Water Utility Fees based on the best information available at this time. The fees will be sent out starting with the first billing cycle after May 1, 2009. It is anticipated that revisions and additions will be required on an ongoing basis.

The provisions contained in the Appeals Process and Billing Guidelines would be applied by staff in situations where a property owner provides evidence that their specific property has characteristics that fall well outside of the norms assumed for the categories of land contained in the 2009 Storm Water Utility Fee Schedule, or revisions to this schedule. Staff would determine what adjustments, if any, should be made to the initial calculation of the fee, document the adjustment in the Town files, and revise the information in the utility billing database. If the property owner disagrees with the staff decision, they would have the option of appealing the staff decision to the Town Board.

**Legal/Political Considerations:**

At the March 24, 2009 meeting, the Town Board approved Resolution 09R008 establishing Storm Water Utility Fees. The Board directed staff to prepare an appeal process to use in considering complaints or questions about the fees that might be received from property owners.

**Alternatives/Options:**

The Board could approve the proposed Appeal Process, with or without amendments, reject the Appeal Process, or direct staff to make revisions and bring it back to a future meeting.

**Financial Considerations:**

NA.

**Staff Recommendation:**

Approve the attached Appeals Process and Billing Guidelines for the Storm Water Utility Fees.